IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1785 OF 2005

IN

ARBITRATION PETITION (LODG)NO.277 OF 2005

Municipal Corporation of Gr.Mumbai. ... Petitioners.

vs.

M/s. Asian Techs Ltd. .... Respondents.

Mr.R.D.Dhanuka, for Petitioners.

Mr.K.M.Jawale, for Respondents.

CORAM: D.K.DESHMUKH,J.

DATED: 18th July,2005

P.C.:-

1. Heard the learned Counsel for both the sides. There is delay of 24 days in filing the petition. The delay appears to be because of the procedure that is required to be followed by the Bombay Municipal Corporation for obtaining approval of the authorities of the Corporation. However, I find that there is substance in the contention raised by the respondents that as the petitioner was aware of the contents of the award, the procedure could have been set in motion

early. Taking overall view of the matter and considering that the petitioner is a local authority, in my opinion, the delay deserves to be condoned. However, the prejudice caused to the Respondents is capable of being compensated by awarding costs. Therefore, the notice of motion is granted in terms of prayer clause (a). The petitioner is directed to pay as and by way of cost rs.10,000/- to the Respondents. The petition be placed for admission on 1st August,2005.